



STEP 1 OFFENDER GRIEVANCE FORM

Offender Name: STEVEN BACKSTROM **8J35** TDCJ # 1657938
 Unit: BC Housing Assignment: 8J 35T
 Unit where incident occurred: BC

OFFICE USE ONLY	
Grievance #:	<u>2011209295</u>
Date Received:	<u>AUG 03 2011</u>
Date Due:	<u>9/12/11</u>
Grievance Code:	<u>505</u>
Investigator ID #:	<u>1591 1709</u>
Extension Date:	
Date Retd to Offender:	<u>SEP 08 2011</u>

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? THERE IS NOBODY TO SPEAK WITH When? NA

What was their response? NA

What action was taken? NA **AUG 03 2011**

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On July 30, 2011, at 0510, officer TRAM WAKE EVERYONE up to ANNOUNCE that he was looking for clothes lines. Keep in mind that he had just ENTERED A 12 hour shift. Is it NECESSARY to DEPRIVE EVERYONE SLEEP when he had 11 hrs and 40 minutes in which to conduct his SEARCH? He could have accomplished his mission without waking everyone up.

On 8-2-11 we were awakened at 3:12 AM to get ready for chow. We were dropped at 4:17 AM. That's 1 hr 5 minutes later. We were staged for 22 minutes before actually going to eat. Given this 10 minutes it actually takes to get ready for chow, the prisoners lost 1 hr and 10 minutes sleep.

If this had been an isolated incident, it would be no big deal, however, it happens practically daily.

Is sleep deprivation a policy of TDCJ? Is there a way that all of the roster counts mail, meal card and pay-ins can be delivered before 9:00 PM, as opposed to after 10:30 PM?

Those people operating the dangerous equip. in the boat factory are at risk of severe injury.

AUG 03 2011

cc: Kimberly D'Amico

PERSONAL RECORDS - AUG 03 2011

2878

Action Requested to resolve your Complaint.

PLEASE RETURN FROM the level unusual punishment/sleep deprivation

AUG 03 2011

Offender Signature:

Date: 8-2-11

Grievance Response:

Your complaint has been investigated and reviewed. Only one issue will be addressed per grievance. Officer Tran denies your allegations of coming of the pod announcing he is looking for clothes lines. Policy states there must be no clothes lines or anything hanging on the walls. If there is, a direct order to fix the problem will be given on the spot. No action warranted.

GREGORY S. DAVID

SEP 06 2011

Signature Authority:

Gregory S. David

Date:

9/6/11

If you are dissatisfied with the Step 1 response you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

Appendix F



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORMOffender Name: Steven Backstrom TDCJ # 1657938Unit: BC Housing Assignment: 8J 35TUnit where incident occurred: BC

OFFICE USE ONLY

Grievance #: 2011209295UGI Recd Date: SEP 09 2011HQ Recd Date: SEP 13 2011Date Due: 10-14Grievance Code: 505Investigator ID#: J0317

Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

It is obvious that you did not read my entire Step 1 Grievance - had you read the "Action Requested" sentence, you would have discovered that I am grieving the senseless and intentional sleep deprivation policies and practices this Unit employs and that the EG was TRANS ACTIONS

Another EG... on Tues. 9.5 - Officer Hollaway woke everyone @ 3:11 AM, and forced all Education, Vocation, Laundry, and Shop Factory to drop at 3:28. I sat in the Day Room from 3:28 until called for work @ 4:45 AM. That was 1 hr 17 minutes I could have slept.

This was unnecessary and intentional why is it that you promote cruel and unusual punishment?

Will you please refrain? —

Note: the bracketed paragraph is strictly an example.

SEP 16 2011

Offender Signature: 

Date: 9-8-11

Grievance Response:

Your complaint has been reviewed and noted. An appropriate investigation was conducted and addressed at the Unit level. Review of your Step II indicates no evidence or information that would warrant further investigation into your allegations. No further action is warranted.

Signature Authority: 

Date: 9/26/11

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

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U.S. Department of Labor

Occupational Safety and Health Administration
525 Griffin Street, Room 602
Dallas, Texas 75202-5024
(972) 850-4145



Reply to the Attention of: 6OSHA – EP

June 2, 2011

Steven Backstrom TDJC# 1657938
Clements Unit 8J-35T
9601 Spur 591
Amarillo, TX 79107

Dear Mr. Backstrom,

We have received your letter regarding lack of machine guarding, inadequate safety training and machine operator injuries at the shoe factory, Clements Unit, TDCJ. The U.S. Department of Labor, OSHA does not have jurisdiction over state employees or state inmates. Employees and inmates of Texas State Prisons are under the jurisdiction of the Texas Department of Criminal Justice (TDCJ). The Risk Management Department within TDCJ covers matters related to Occupational Safety and Health, Accident/Injury Investigation, and ADA Compliance. Their contact information is listed below:

Texas Department of Criminal Justice
Risk Management Department
Elizabeth Boerlin, Risk Management Specialist V
P.O. Box 99
Huntsville, TX 77342-0099
(936) 437-4806

Your original letter is enclosed. We regret that we cannot provide you with assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Lewis".

Jeff Lewis
Assistant Regional Administrator
Enforcement Programs

Enclosure

U.S. Department of Labor

Occupational Safety and Health Administration
525 Griffin Street, Room 602
Dallas, Texas 75202-5024
Office (972) 850-4145
Facsimile (972) 850-4149



February 27, 2012

Steven Backstrom #1657938
Clements Unit 4F 54T
9601 Spur 591
Amarillo, Texas 79107

Dear Mr. Backstrom:

This letter is in response to your inquiry dated February 18, 2012, regarding the questions you requested assistance in answering.

Below I have addressed the questions noted in your correspondence:

1. Is by chance OSHA's lack of jurisdiction due to a contract based on TDCJ's compliance to OSHA minimum standards?

No. OSHA has no contract with TDCJ. Section 3 of the Occupational Safety and Health Act of 1970 specifically excludes "the United States or any State or political subdivision of a State" from the definition of "employer". OSHA has no authority over individuals of a correctional facility operated by a state, county or city. Personnel, such as inmates, at these facilities are not within the jurisdiction of OSHA. Residents of a correctional institution are legally considered "wards of the state, county or city" while incarcerated.

2. If numerous (20+) injuries due to improperly guarded machinery exist, is there ever a time when OSHA can supersede it's arrangement with TDCJ and intervene?

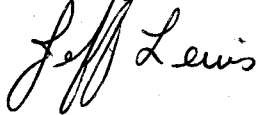
No. OSHA has no authority to intervene, regardless of the number of injuries, hazard, situation and/or time.

3. Is there any federal recourse available to inmates due to lack of state concern?

No. According to TDCJ, all offenders should follow the rules to file a grievance, internally. I have enclosed a copy of the *TDCJ Offender Grievance Program* pamphlet and the *Grievance Procedures for Offenders*, pages 52-54 of the *TDCJ Offender Orientation Handbook*. Another option to consider is to have a friend or family member contact the Ombudsman Office on your behalf.

By law OSHA does not have the authority to investigate any situations or conditions that arise while an individual is incarcerated.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Lewis". The signature is written in dark ink and is positioned above the printed name.

Jeff Lewis
Assistant Regional Administrator

June 7, 2011

Tx Dept. of Criminal Justice
Risk Management Dept.
Elizabeth Boerlin, Risk Management
P.O. Box 99
Nurkville, Tx 77342-0099

Mrs. Boerlin,

On March 1, 2011 I was injured in the shoe factory at the Clements using one of the machines built in early 1950. There are no safety features attached to this machine or the three others identical to it.

My concern is that within the past five months there have been four similar accidents on these very machines. That extrapolates to about 9 per year.

Now I know that with you being the Risk Management expert within TDCJ that you are well aware of the dangerous equipment as well as all of the injuries over the years. I also know that the Director of TDCJ is aware. The question is, are there any plans in the near future to either retrofit the existing equipment or purchase new equipment or is TDCJ going to

Continue to lead the sheep to
slaughter?

I hope to believe that my
pain and suffering as well as that
of all of my fellow inmates, will
not be in vain.

Thank you for your consideration
and prompt reply.

Sincerely,
ABA

STEVEN BACKSTROM
1657938
Clements Unit 2J-35T
9601 SPR 591
MAR. 10, 1x 79107

1

8



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

8 J 35

Offender Name: STEVEN BACKERSON TDCJ # 1657938
 Unit: BC Housing Assignment: F 35T
 Unit where incident occurred: BC

OFFICE USE ONLY

Grievance #: 2011162877
 Date Received: 5-24-11
 Date Due: 7-3-11
 Grievance Code: 201
 Investigator ID #: I1295
 Extension Date: _____
 Date Retd to Offender: JUN 08 2011

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? N/A - GRIEVANCE JUSTIFIED AFTER When? N/A

What was their response? ACCIDENT -

What action was taken? N/A STEP 1 GRIEVANCE

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

ON MARCH 1, 2011 AT APPROX 0800 HRS. I WAS INVOLVED IN AN ACCIDENT IN THE SHOE FACTORY. THE CAUSE WAS A HYDRAULIC COMPONENT OF A DESMA MACHINE PRESSING MY RIGHT HAND INTO ITS MOLD CAUSING THE BONES IN MY 4TH AND 5TH FINGERS TO BREAK. EACH FINGER REQUIRED FIVE (5) STITCHES. MY 4TH FINGER REQUIRED THE SURGICAL PLACEMENT OF TWO (2) STAINLESS STEEL PINS AND MY 5TH FINGER REQUIRED ONE (1) PIN.

IMMEDIATELY FOLLOWING I WAS FORCED TO STAY 6 WEEKS IN THE INFIRMARY.

IT IS MY OPINION THAT THIS ACCIDENT WAS CAUSED BY SEVERAL FACTORS; 1) TDCJ'S INTENTIONAL SLEEP DEPRIVATION, 2) I WAS BEING TRAINED BY ANOTHER INMATE IMPROPERLY, AND 3) THERE ARE NO SAFETY FEATURES INSTALLED ON THE EQUIPMENT.

END OF STATEMENT

(X) SA

MAY 03 2011

CC: Kimberly Brumack, personal RECORDS

Action Requested to resolve your Complaint.

I should be compensated for pain and suffering, DISFIGUREMENT AND PERMANENT NERVE DAMAGE TO MY fingers.

Offender Signature:

Date:

4-21-11

Grievance Response:

Your complaint has been investigated and reviewed. The Risk Management Office advises that investigation into the incident revealed that the shoe factory machine in question was working properly. There were and are guards still in place from the manufacturer on the machine. You admitted you were not paying attention and got your hand caught in the machine. No further action is warranted.

Signature Authority:

J. H. Adams

JUN 08 2011

Date: 6/8/2011

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☒ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Signature:

J. SELLIS

I-127 Back (Revised 9-1-2007)

OFFICE USE ONLY

Initial Submission UGI Initials: *[Signature]*
 Grievance #: 2011-11134
 Screening Criteria Used: # 1 299
 Date Recd from Offender: APR 25 2011
 Date Returned to Offender: APR 25 2011
 2nd Submission UGI Initials: *[Signature]*
 Grievance #: *[Signature]*
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 3rd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: _____
 UGI Recd Date: APR 29 2011
 HQ Recd Date: _____
 Date Due: _____
 Grievance Code: _____
 Investigator ID #: _____
 Extension Date: _____

Offender Name: STEVEN BACKSTROM TDCJ # 1657938
 Unit: BC Housing Assignment: 8J-35T
 Unit where incident occurred: BC

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

GRIEVANCE # 2011144134

SURELY YOU COULD NOT EXPECT ME TO GRIEVE A MATTER I AM ANTICIPATING VS. A MATTER KNOWN TO EXIST.

THE PINS WERE REMOVED ON 4-12-2011, ONCE REMOVED, I THEN DISCOVERED THE PERIL OF MY HAND.

NOW THAT I HAVE BEEN PERFORMING THERAPY ON MY HAND, I NOW KNOW THAT I HAVE NO FEELING NOR WILL EVER HAVE FEELING ON THE INSIDE OF MY 5TH FINGER NOR WILL MY 4TH FINGER EVER BE STRAIGHT AGAIN.

I ANTICIPATE AT LEAST ONE MORE VISIT FROM MY DR AT WHICH TIME WE WILL DISCUSS POTENTIAL TENDON PROBLEMS.

IN HAD NO RECOURSE BUT TO LIE WHEN I DID THEREFORE BY DENYING MY CLAIM DUE TO AN EXPIRED TIME TABLE IS INCORRECT AND UNJUSTIFIED - NOW I HAVE WASTED MY STEP 2 ON THIS TRIVIAL MATTER WHEN I KNOW THERE WILL BE YET ANOTHER DENIAL WHICH WILL WARRANT ANOTHER APPEAL.

THIS IS RIDICULOUS -

cc: Kimberly Burdick, personal records

Offender Signature: _____

Date: 2.26.11

Grievance Response: _____

Signature Authority: _____

Date: _____

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

MAY 20 2011

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Inter-Office Communication

Administrative Review and Risk Management

TO: Steven Backstrom

TDCJ# 11057938

Unit: BC/TB

FROM: Central Grievance Office

A. Borsini

SUBJECT: Improperly Submitted Grievance

Re: # 201144134

Your improperly submitted grievance(s) has been received in this office and has been reviewed. This letter is being returned to you and the response to your improperly submitted grievance(s) is indicated below. If you need additional information or assistance, you may contact the Unit Grievance Investigator on your unit.

- ☐ Policy requires that all grievances be submitted through your unit grievance investigator within 15 days of the applicable date.
- ☐ This Step 2 appeal is being returned to you without action; however, the unprocessed Step 1 grievance # under review.
- ☐ If you are not satisfied with the response you receive from a Step 1 investigation, you have the option of appealing to Step 2 within 15 days of the signature date on the Step 1 form.
- ☐ This Step 2 appeal cannot be processed without the corresponding original, answered Step 1 grievance.
- ☐ These issues have been reviewed through both steps of the grievance process. Further action by this office is not warranted.
- ☒ You may not submit a Step 2 appeal on Step 1 grievance # 201144134 that was returned to you unprocessed using one of the screening criteria.
- ☐ Our records indicate that grievance # _____ is currently under review.
- ☐ Your Step 1 grievance(s) was properly screened.
- ☐ A copy of the Instructions on How to Write and Submit Grievances is enclosed for your information.
- ☐ Attachments returned (_____ pages).

cc: File



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORMOffender Name: STEVEN BACKSTROM TDCJUnit: BC Housing Assignment: 81Unit where incident occurred: BC

OFFICE USE ONLY

Grievance #: 2011162877UGI Recd Date: JUN 09 2011HQ Recd Date: JUN 13 2011Date Due: 7-14Grievance Code: 201Investigator ID#: 3435

Extension Date: _____

You must attach the completed Step 1 Grievance that has been accepted. You may not appeal to Step 2 with a Step 1 that has not been signed by the Warden for your Step 2 appeal to be returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

In response to TDCJ Risk Management Office's investigation of my allegations pertaining to a sustained injury at the CLEMENTS Unit shoe factory, investigation is far from complete, I AM IN AGREEMENT that the machine in question was working properly; however to state that safety guards ARE in place is a MISNOMER. An on-off or up-down switch DOES NOT constitute a safety guard.

I have a schedule of current and recent post, Bed Back, Mail, Lay-in, and meal card delivery times. There is no doubt that the policies and practices of TDCJ, CLEMENTS Unit demonstrates a willful want and disregard for adequate sleep. If fact I can prove that I was only allowed a maximum of 3 1/2 hrs sleep prior to work that morning, I can also demonstrate indifference on the part of TDCJ, CLEMENTS Unit, and the shoe factory.

I would like a copy of my statement made following the accident. If indeed I was specific about not paying attention, I am certain it can be proven that if this was the case it was because I was trying to stay awake.

I AM MORE than certain that no reasonable mind, that
 Birds, could construe that the environment we are forced
 to work in, is in any way safe, once a benchmark for
 safety has been made.

I can demonstrate this benchmark - [unclear] cc: personal records

Offender Signature: _____

Date: 6-8-11

Grievance Response: _____

Your Step 2 grievance was reviewed and there is insufficient evidence to support your claims.
 In the absence of evidence to support your claims, action from this office is not warranted.
 AO-D

Signature Authority: _____

C. Lawson

Date: _____

JUL 13 2011

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

